

REMARKS

Claims 1, 3-9, 11-18, and 20-24 are pending in the present application after this Amendment; claims 1 and 16-18 being independent. In light of the amendments and remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1-3, 5-11, 13, and 16-24 under 35 U.S.C. § 102(b) as being anticipated by *Brooks* (USP 5,434,371), and rejected claims 12 and 14-15 under 35 U.S.C. § 103(a) as being unpatentable over *Brooks* in view of *Ullman* (WO 99/46909). Applicant respectfully traverses these rejections.

By this Amendment, Applicant has amended claims 1, 3, 11, 13, 16-18, and 20-23. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance the prosecution of the present invention.

Claim Rejections - 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Brooks* discloses a register device 10, an interpretation means 30, and a processing means 30. The Examiner further asserts that *Brooks* discloses detecting a position code (x-y) arranged on a writing surface. Applicant respectfully disagrees with the Examiner's characterization of this reference.

It is respectfully submitted that the *Brooks* invention is directed toward a hand-held electronic writing tool that allows a user to "create artful expression" including handwritten messages, drawings, and other forms, using a hand-held tool, records the creation, transfers the signal to another recording device, i.e., a computer, and ultimately displays

the creation on the computer display (col. 1, ll. 53-61). The signal processing circuit 30 utilizes an acceleration detecting circuit 32 for receiving the acceleration signals from sensor 20. A direction determining circuit 34 interprets a direction information from the detection circuit 32. Integrating circuit 36 is utilized to calculate distance information provided by acceleration circuit 32 as a function of acceleration and time (col. 4, ll. 25-31).

In contrast, the present invention as set forth in amended claim 1 recites, *inter alia*, a handheld electronic device comprising a registration device for registering strokes when the device is moved wherein the registration device is adapted to record the command electronically by detecting the position code arranged on a writing surface upon which the command is written. As noted above, *Brooks* utilizes an acceleration detecting circuit for receiving the acceleration signals from sensor 20. It is respectfully submitted that *Brooks* fails to teach or suggest a registration device which is adapted to record the command electronically by detecting a position code arranged on a writing surface. As such, it is respectfully submitted that claim 1 is not anticipated by *Brooks*. Thus, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-9 and 11-15 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claim 16 is allowable for the reasons set forth above with regard to claim 1 as claim 16 includes detecting a position code and, as noted above, *Brooks* fails to teach or suggest this feature. It is further respectfully submitted that claim 17 is allowable for the reasons set forth above with regard to claim 1 as claim 17 includes writing a command symbol to perform an operation on a surface that includes a position code and, as noted above, *Brooks* fails to teach or suggest this feature.

It is respectfully submitted that claim 18 is allowable for the reasons set forth above with regard to claim 1 as claim 18 contains elements similar to those discussed above with regard to claim 1.

It is respectfully submitted that claims 20-24 are allowable for the reasons set forth above with regard to claim 18 at least based upon their dependency on allowable claim 18.

CONCLUSION

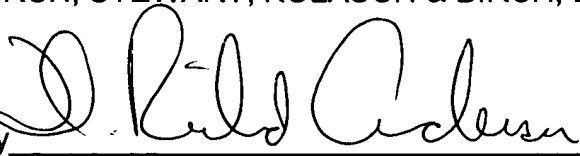
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinnet (Reg. No. 52,327) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicant respectfully petitions for a one (1) month extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). A check in the amount of \$110.00 in payment of the extension of time fee is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

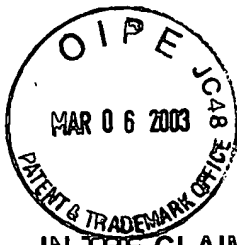
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000


DRA/CMV/jdm
3782-0186P
Attachment



VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 2, 10, and 19 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

The claims have been amended as follows:

1. (Amended) A handheld electronic device which is adapted to carry out at least one operation, [characterized by] comprising:

a registration device [(14)] for registering strokes when the device is moved;

interpretation means [(16)] for determining if the strokes comprise[s] a command;

and

processor means [(16)] for carrying out an operation upon determination of said command,

wherein the registration device is adapted to record the command electronically by detecting a position code arranged on a writing surface, upon which the command is written.

3. (Amended) A device according to claim [2]1, wherein said registration device comprises an optical sensor [(14)], which is adapted to record images of the writing surface [(3)], and a signal processor [(16)], which is adapted to use the position code [(4)] in the images for providing a digital representation of the command.

4. (Amended) A device according to claim 3, wherein the signal processor [16] comprises a character interpretation function which is adapted to translate the digital representation of the command into character-coded format, such as ASCII-code.

9. (Amended) A device according to claim 7, wherein the device is adapted to assume the command mode when the device detects that the writing surface [(3)] has a predetermined design.

11. (Amended) A device according to claim 1, wherein the [recording] registration device comprises an optical sensor for recording images with partially overlapping content and a signal processor which is adapted to determine how the device has been moved in connection with the writing of the command by determining the relative position of the images.

13. (Amended) A device according to any one of claims [1-11] 1, 3-9, and 11-12, which device is a digital pen for electronic recording of information.

16. (Amended) A software program, which is stored on a memory medium, which can be read by a computer and which comprises instructions for causing the computer to detect a command, by electronically detecting a position code, written by means of a handheld electronic device, which is used as a pen, and to initiate a predetermined operation in response to the command.

17. (Amended) A method for initiating an operation in a handheld electronic device, [characterized by the steps of using the device itself as a pen and writing a command symbol for carrying out said operation] comprising:

using the device as a pen; and

writing a command symbol to perform an operation on a surface that includes a position code.

18. (Amended) A method for controlling a handheld electronic device, [according to any one of claims 1-15,] the device being adapted to carry out at least one operation, [characterized by] comprising:

registering strokes when the device is moved;

determining if the strokes comprise[s] a command; and

carrying out an operation upon determination of [said] the command, wherein the registering strokes includes recording the command electronically by detecting a position code arranged on a writing surface, upon which the command is written.

20. (Amended) A method according to claim [19, characterized by registration by means of an optical sensor [(14)], which records images of the writing surface [(3)], and a signal processor [(16)], which uses the position code [(4)] in the images for providing a digital representation of the command] 18, wherein registering strokes is performed using an optical sensor which records images of the writing surface, and wherein determining if the strokes comprise a command further includes processing, using the position code in the images, for providing a digital representation of the command.

21. (Amended) A method according to claim 20, [characterized by character interpretation for translating the digital representation of the command into character-coded format, such as ASCII-code] further comprising:

translating the digital representation of the command into character-coded format.

22. (Amended) A method according to claim 18, [characterized by registering a message information quantity in essentially the same way as the command is recorded] further comprising:

registering a message information quantity.

23. (Amended) A method according to claim 22, [characterized by registering] further comprising:

registering the message information quantity by detecting a position code on a writing surface.